

ESTTA Tracking number: **ESTTA722266**

Filing date: **01/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Polibio A Rodriguez Jr		
Entity	Individual	Citizenship	UNITED STATES
Address	129-15 133rd Avenue Jamaica, NY 11420 UNITED STATES		

Attorney information	Oscar Michelen Cuomo LLC 200 Old Country Road Suite 2 South Mineola, NY 11501 UNITED STATES omichelen@cuomollc.com Phone:5167413222
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Applicant Information

Application No	86496695	Publication date	01/12/2016
Opposition Filing Date	01/22/2016	Opposition Period Ends	02/11/2016
Applicant	Renova El Poder 198 Lexington Ave Passaic, NJ 07055 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Entertainment, namely, live performances by a musical band

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Bad Faith

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RENOVA EL PODER		
Goods/Services	Entertainment, particularly the performance of live music and sale of		

	recorded music.
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Attachments	Opposition to Mark.pdf(72470 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Oscar Michelen /s/
Name	Oscar Michelen
Date	01/22/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No. 86496695

For the mark RENOVA EL PODER

Date filed: January 6 2015

POLIBIO ANTONIO RODRIGUEZ JR. v. RENOVA EL PODER LLC

**NOTICE OF OPPOSITION TO APPLICATION FOR REGISTERED SERVICE
MARK “RENOVA EL PODER”**

(1) This Opposition is filed by Polibio Antonio Rodriguez, Jr., 129-15 133rd Avenue, Jamaica NY 11420, by and through his attorney Oscar Michelen, Cuomo LLC, 200 Old Country Road Mineola NY 11501, 516-741-3222, omichelen@cuomollc.com.

(2) To the best of Opposer’s knowledge, the name and address of the current owner of the application is Renova El Poder LLC PO Box 450 Trenton NJ 08646-0303. They are represented by Harley D. Breite, 562 Black Oak Ridge Road, Wayne NJ 07470, 973 872 0604.

(3) The above-identified Opposer believes that he will be damaged by the above-identified registration, and hereby opposes the same.

(4) The grounds for opposition are as follows: (a) Opposer created the mark and was the first person and the exclusive user of the mark. (b) Opposer has used the mark for a significant period of time before Applicant even became aware of the mark; (c) Opposer has documented proof of same; (d) Owens Mota, who Opposer believes is the owner of Applicant Corporation, tried to associate himself with the Opposer and Opposer’s band, “Renova El Poder” and Applicant has made claims that he had “invested” \$37,500 in the band. Counsel for Opposer sent counsel for Applicant a letter, dated November 16 2015, demanding proof of this claim, which has not been responded to; (e) Opposer alleges that Applicant registered the corporate name “Renova El Poder” and filed this service mark application in bad faith and without any legal support for the filing or registration (f) Opposer therefore seeks to object to the filing; (g) Opposers also seeks to have the registration and ownership of the mark transferred to Opposer; (g) Opposer seeks such other and further relief as may be granted.

Dated: January 22, 2016 BY: */s/ Oscar Michelen /s/*
OSCAR MICHELEN
CUOMO LLC
Attorneys for Opposer
200 Old Country Road Suite 2 South
Mineola NY 11501